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8		or tur	
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 2011-396	
12	KAREN LEAVITT	ACCUSATION	
13	a.k.a. KAREN LYNN LEAVITT 1184 Palm Avenue	ACCUSATION	
14	Seaside, CA 93955		
15	Registered Nurse License No. 648334		
16	Respondent.		
17			
18	Complainant alleges:		
19	<u>PARTIES</u>		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department		
22	of Consumer Affairs.		
23	2. On or about November 19, 2004, the Board of Registered Nursing issued Registered		
24	Nurse License Number 648334 to Karen Leavitt, also known as Karen Lynn Leavitt		
25	(Respondent). The license was in full force and effect at all times relevant to the charges brought		
26	in this Accusation and will expire on November 30, 2010, unless renewed.		
27	<u>JURISDICTION</u>		
28	3. This Accusation is brought before the Board of Registered Nursing (Board),		

Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118 (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISION

7. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

## COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## CAUSE FOR DISCIPLINE

(Unprofessional Conduct: License Discipline in Another State)

- 9. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761(a)(4) in that on or about July 27, 2006, the Idaho State Board of Nursing revoked Respondent's license to practice nursing in that state, in the case of *In the Matter of the License of Karen Leavitt, License No. N-28021*, Case No. BON 06-033.
- 10. The circumstances of revocation of Respondent's Idaho nursing license are as follows:
- a. On or about February 15, 2006, the Executive Director of the Idaho State Board of Nursing signed, and caused to be served by regular and certified mail to Respondent's address of record, a complaint against Respondent alleging that on November 7, 2005, Respondent pled guilty to two felony counts related to submitting fraudulent charges for home nursing visits to Medicaid recipients, and that Respondent's nursing license was therefore subject to discipline.
- b. On March 21, 2006, after Respondent failed to file an answer to the complaint, the Executive Director of the Idaho State Board of Nursing caused a Notice of Intent to Take Default to be served on Respondent, via regular and certified mail to Respondent's address of record.
- c. On July 27, 2006, the Idaho State Board of Nursing, during its board meeting, found Respondent to be in default and revoked Respondent's license to practice nursing in that state.

## <u>PRAYER</u>

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 648334, issued to Karen Leavitt, also known as Karen Lynn Leavitt;
- 2. Ordering Karen Leavitt, also known as Karen Lynn Leavitt, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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1	3. Taking such other and further action as deemed necessary and proper.	
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3 '	DATED: LOUISE R. BAILEY, M.ED., R.W.	
4	Interim Executive Officer  Board of Registered Nursing	
5	Department of Consumer Affairs State of California	
6	Complainant	
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